

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

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)  
) MDL NO. 1456  
) Civil Action No. 01-12257-PBS  
)

THIS DOCUMENT RELATES TO:

) Judge Patti B. Saris  
)

*The City of New York v. Abbott Laboratories, Inc., et al.*  
(S.D.N.Y. No. 04-CV-06054)

*County of Albany v. Abbott Laboratories, Inc., et al.*  
(N.D.N.Y. No. 05-CV-00425)

*County of Allegany v. Abbott Laboratories, Inc., et al.*  
(W.D.N.Y. No. 05-CV-06231)

*County of Broome v. Abbott Laboratories, Inc., et al.*  
(N.D.N.Y. No. 05-CV-00456)

*County of Cattaraugus v. Abbott Laboratories, Inc., et al.*  
(W.D.N.Y. No. 05-CV-06242)

*County of Cayuga v. Abbott Laboratories, Inc., et al.*  
(N.D.N.Y. No. 05-CV-00423)

*County of Chautauqua v. Abbott Laboratories, Inc., et al.*  
(W.D.N.Y. No. 05-CV-06204)

*County of Chemung v. Abbott Laboratories, Inc., et al.*  
(W.D.N.Y. No. 05-CV-06744)

*County of Chenango v. Abbott Laboratories, Inc., et al.*  
(N.D.N.Y. No. 05-CV-00354)

*County of Columbia v. Abbott Laboratories, Inc., et al.*  
(N.D.N.Y. No. 05-CV-00867)

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**STIPULATION EXTENDING THE TIME FOR SERONO, INC., N/K/A EMD SERONO,  
INC., TO ANSWER, MOVE, OR OTHERWISE RESPOND TO THE REVISED FIRST  
AMENDED CONSOLIDATED COMPLAINT**

*County of Cortland v. Abbott Laboratories, Inc., et al.* )  
(N.D.N.Y. No. 05-CV-00881) )  
  
*County of Dutchess v. Abbott Laboratories, Inc., et al.* )  
(S.D.N.Y. No. 05-CV-06458) )  
  
*County of Essex County v. Abbott Laboratories, Inc., et al.* )  
(N.D.N.Y. No. 05-CV-00878) )  
  
*County of Fulton v. Abbott Laboratories, Inc., et al.* )  
(N.D.N.Y. No. 05-CV-00519) )  
  
*County of Genesee v. Abbott Laboratories, Inc., et al.* )  
(W.D.N.Y. No. 05-CV-06206) )  
  
*County of Greene v. Abbott Laboratories, Inc., et al.* )  
(N.D.N.Y. No. 05-CV-00474) )  
  
*County of Herkimer v. Abbott Laboratories, Inc., et al.* )  
(N.D.N.Y. No. 05-CV-00415) )  
  
*County of Jefferson v. Abbott Laboratories, Inc., et al.* )  
(N.D.N.Y. No. 05-CV-00715) )  
  
*County of Lewis v. Abbott Laboratories, Inc., et al.* )  
(N.D.N.Y. No. 05-CV-00839) )  
  
*County of Madison v. Abbott Laboratories, Inc., et al.* )  
(N.D.N.Y. No. 05-CV-00714) )  
  
*County of Monroe v. Abbott Laboratories, Inc., et al.* )  
(W.D.N.Y. No. 05-CV-06148) )  
  
*County of Nassau v. Abbott Laboratories, Inc., et al.* )  
(E.D.N.Y. No. 04-CV-5126) )  
  
*County of Niagara v. Abbott Laboratories, Inc., et al.* )  
(W.D.N.Y. No. 05-CV-06296) )  
  
*County of Oneida v. Abbott Laboratories, Inc., et al.* )  
(N.D.N.Y. No. 05-CV-00489) )  
  
*County of Onondaga v. Abbott Laboratories, Inc., et al.* )  
(N.D.N.Y. No. 05-CV-00088) )  
  
*County of Ontario v. Abbott Laboratories, Inc., et al.* )  
(W.D.N.Y. No. 05-CV-06373) )  
  
*County of Orange v. Abbott Laboratories, Inc., et al.* )  
(S.D.N.Y. No. 07-CV-2777) )  
  
*County of Orleans v. Abbott Laboratories, Inc., et al.* )  
(W.D.N.Y. No. 05-CV-06371) )  
  
*County of Putnam v. Abbott Laboratories, Inc., et al.* )  
(S.D.N.Y. No. 05-CV-04740) )

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*County of Rensselaer v. Abbott Laboratories, Inc., et al.* )  
(N.D.N.Y. No. 05-CV-00422) )  
  
*County of Rockland v. Abbott Laboratories, Inc., et al.* )

(S.D.N.Y. No. 03-CV-7055)	)
<i>County of Saratoga v. Abbott Laboratories, Inc., et al.</i>	)
(N.D.N.Y. No. 05-CV-00478)	)
<i>County of Schuyler v. Abbott Laboratories, Inc., et al.</i>	)
(W.D.N.Y. No. 05-CV-06387)	)
<i>County of Seneca v. Abbott Laboratories, Inc., et al.</i>	)
(W.D.N.Y. No. 05-CV-06370)	)
<i>County of St. Lawrence v. Abbott Laboratories, Inc., et al.</i>	)
(N.D.N.Y. No. 05-CV-00479)	)
<i>County of Steuben v. Abbott Laboratories, Inc., et al.</i>	)
(W.D.N.Y. No. 05-CV-06223)	)
<i>County of Suffolk v. Abbott Laboratories, Inc., et al.</i>	)
(E.D.N.Y. No. CV-03-229)	)
<i>County of Tompkins v. Abbott Laboratories, Inc., et al.</i>	)
(N.D.N.Y. No. 05-CV-00397)	)
<i>County of Ulster v. Abbott Laboratories, Inc., et al.</i>	)
(N.D.N.Y. No. 06-CV-0123)	)
<i>County of Warren v. Abbott Laboratories, Inc., et al.</i>	)
(N.D.N.Y. No. 05-CV-00468)	)
<i>County of Washington v. Abbott Laboratories, Inc., et al.</i>	)
(N.D.N.Y. No. 05-CV-00408)	)
<i>County of Wayne v. Abbott Laboratories, Inc., et al.</i>	)
(W.D.N.Y. No. 05-CV-06138)	)
<i>County of Westchester v. Abbott Laboratories, Inc., et al.</i>	)
(S.D.N.Y. No. 03-CV-6178)	)
<i>County of Wyoming v. Abbott Laboratories, Inc., et al.</i>	)
(W.D.N.Y. No. 03-CV-6379)	)
AND	)
<i>County of Yates v. Abbott Laboratories, Inc., et al.</i>	)
(W.D.N.Y. No. 05-CV-06172)	)

IT IS HEREBY STIPULATED AND AGREED by and between defendant Serono, Inc., n/k/a EMD Serono, Inc. (“EMD Serono”) and the above-captioned New York State Counties that have brought claims against EMD Serono that EMD Serono’s time to answer, move, or otherwise respond to the Revised First Amended Complaint is hereby extended to April 21, 2008.

So ordered:

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Hon. Patti B. Saris, U.S.D.J.

Respectfully submitted:

THE CITY OF NEW YORK AND ALL  
CAPTIONED NEW YORK COUNTIES  
EXCEPT COUNTY OF NASSAU AND  
COUNTY OF ORANGE,

By their attorneys,

**/s/ Joanne M. Cicala**

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*Counsel for the County of Nassau*

EMD SERONO, INC.

By its attorneys,

**/s/ Fred A. Kelly, Jr.**

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David M. Ryan (BBO No. 644037)  
**NIXON PEABODY LLP**  
100 Summer Street  
Boston, MA 02110  
Telephone: (617) 345-1000

Dated: February 19, 2008

**CERTIFICATE OF SERVICE**

I, Fred A. Kelly, Jr., do hereby certify that I caused a copy of the foregoing Stipulation to be served by electronic means, upon all counsel of record, on this 19th day of February, 2008.

**/s/ Fred A. Kelly, Jr.**

Fred A. Kelly, Jr.